

M A R Y L A N D C H A R T E R,

Granted by King CHARLES the FIRST,

To CÆCILIOUS, Lord Baron of BALTIMORE.

Translated from the Latin Original.

CHARLES, by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c. To all to whom these presents shall come, greeting. Whereas our right trusty and well beloved subject, Cæcilius Calvert, Baron of Baltimore, in our kingdom of Ireland, son and heir of Sir George Calvert, Knight, late Baron of Baltimore in the same kingdom of Ireland, pursuing his father's intentions, being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominion, hath humbly besought leave of Us, by his industry and charge, to transport an ample Colony of the English nation unto a certain country hereafter described, in the parts of America not yet cultivated and planted, though in some parts thereof inhabited by certain barbarous people, having no knowledge of Almighty God; and hath humbly besought Our Royal Majesty to give grant, and confirm the said country, with certain privileges and jurisdictions, requisite for the said government and state of his Colony and country aforesaid, to him and his Heirs for ever.

Know ye therefore, That We, favouring the pious and noble purpose of the said Barons of Baltimore, of Our special grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by this our present Charter, for Us, Our Heirs and Successors, do give, grant, and confirm unto the said Cæcilius, now Baron of Baltimore, his Heirs and Assigns, all that part of a Peninsula, lying in the parts of America, between the ocean on the East, and the Bay of Chesapeak on the West, and divided from the other part thereof by a right line drawn from the Promontory or Cape of Land, called Watkins Point (situate in the aforesaid bay, near the river of Wighco) on the West, unto the main Ocean on the East; and between that bound on the South, unto that part of Delaware bay on the North, which lieth under the fortieth degree of Northerly latitude from the equinoctial, where New-England ends; and all that tract of land between the bounds aforesaid; that is to say, passing from the aforesaid, unto the foresaid bay called Delaware bay, in a right line by the degree aforesaid, unto the true meridian of the first fountain of the river Potowmack; and from thence tending toward the South unto the further bank of the afore-

said river, and following the West and South side thereof unto a certain place called Cinquack, situate near the mouth of the said river, where it falls into the bay of Chesapeak; and from thence by a straight line unto the aforesaid Promontary, and place called Watkins Point (so that all that tract of land divided by the line aforesaid, drawn between the main ocean and Watkins Point, unto the Promontary called Cape Charles, and all it's appurtenances, do remain entirely, excepted to Us, Our Heirs, and Successors, for ever.)

We do also grant and confirm unto the said Lord Baltimore, his Heirs and Assigns, all islands and islets within the limits aforesaid, and all and singular the islands and islets which are, or shall be in the ocean, within ten leagues from the Eastern shore of the said country towards the East, with all and singular ports, harbours, bays, rivers, and inlets, belonging unto the country and islands aforesaid: and all the soil, lands, fields, woods, mountains, fens, lakes, rivers, bays, and inlets, situate or being within the bounds and limits aforesaid; with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, inlets, or rivers, within the premises, and the fish therein taken. And moreover all veins, mines, and quarries, as well discovered as not discovered, of gold, silver, gems, and precious stones, and all other whatsoever, be it of stones, metals, or of any other thing or matter whatsoever, found, or to be found, within the country, isles and limits aforesaid. And furthermore, the patronages and advowsons of all churches, which (as Christian religion shall increase within the country, isles, islets, and limits aforesaid) shall happen hereafter to be erected; together with licence and power to build and found churches, chapels, and oratories, in convenient and fit places within the premises, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England: Together with all and singular the like, and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, royal rights and franchises, of what kind soever, temporal, as well by sea as by land, within the country, isles, islets, and limits aforesaid; to have, exercise, use and enjoy the same, as amply as any Bishop of Durham, within the Bishoprick or county palatine of Durham, in Our kingdom of England,

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bath at any time heretofore had, held, used, or enjoyed, or of right ought or might have had, held, used, or enjoyed.

And him the said now Lord Baltimore, his Heirs and Assigns, We do by these presents for Us, Our Heirs and Successors, make, create, and constitute the true and absolute Lords and Proprietaries of the said country aforesaid, and of all other the premises, (except before excepted) saving always the faith and allegiance, and sovereign dominion due unto Us, Our Heirs and Successors, to have, hold, possess, and enjoy the said country, isles, inlets, and other the premises, unto the said now Lord Baltimore, his Heirs and Assigns, to the sole and proper use and behoof of him the said now Lord Baltimore, his Heirs and Assigns, for ever.

To be holden of Us, Our Heirs and Successors, Kings of England, as of Our Castle of Windsor, in Our county of Berks, in free and common soccage, by fealty only, for all services, and not *in capite*, or by Knights service; yielding and paying therefore to Us, Our Heirs and Successors, two Indian arrows of those parts, to be delivered at Our said Castle of Windsor, every year the Tuesday in Easter week, and also the fifth part of all gold and silver ore, within the limits aforesaid, which shall from time to time happen to be found.

Now, that the said country, thus by Us granted and described, may be eminent above all other parts of the said territory, and dignified with larger titles; Know ye, that We of Our further grace, certain knowledge, and mere motion, have thought fit to erect the same country and islands into a province; as out of the fulness of Our Royal Power and Prerogative, We do for Us, Our Heirs and Successors, erect and incorporate them into a province, and do call it Maryland, and so from henceforth We will have it called.

And forasmuch as We have hereby made and ordained the aforesaid now Lord Baltimore, the true Lord and Proprietary of all the province aforesaid: Know ye therefore, that We resposing special trust and confidence in the fidelity, wisdom, justice, and provident circumspection of the said now Lord Baltimore, for Us, Our Heirs and Successors, do grant free, full, and absolute power, by virtue of these Presents, to him and his Heirs, for the good and happy government of the said country, to ordain, make, enact, and under his and their Seals to publish any laws whatsoever, appertaining either unto the public state of the said province, or unto the private utility of particular persons, according to their best discretions, by and with the advice, assent, and approbation of the Freemen of the said province, or the greater part of them, or of their Delegates or Deputies, whom for the enacting of the said laws, when and as often as need shall require, We will, that the said now Lord Baltimore, and his Heirs, shall assemble in such sort and form as to him and them shall seem best, and the said laws duly to execute upon all people within the said province and limits thereof, for the time being, or that shall be constituted under the government and power of him or them, either sailing towards Maryland, or returning from thence toward England, or any

other of Ours or foreign dominions, by imposition of penalties, imprisonment, or any other punishment: Yea, if it shall be needful, and that the quality of the offence require it, by taking away members or life, either by him the said now Lord Baltimore, and his Heirs, or by his or their Deputies, Lieutenants, Judges, Justices, Magistrates, Officers, and Ministers, to be ordained or appointed, according to the tenor and true intention of these presents; and likewise to appoint and establish any Judges, Justices, Magistrates and Officers, whatsoever, at sea and land, for what cause soever, and with what power soever, and in such form as to the said now Lord Baltimore, or his Heirs, shall seem most convenient; also to remit, release, pardon, and abolish, whether before judgment or after, all crimes and offences whatsoever, against the said laws, and to do all and every other thing or things, which unto the complete establishment of justice unto Courts, Praetories, and Tribunals, forms of judicature, and manners of proceedings, do belong, although in these Presents express mention be not made thereof; and by Judges by them delegated to award process, hold pleas, and determine, in all the said Courts and Tribunals, all actions, suits, and causes whatsoever, as well criminal as civil, personal, real, mixt, and praetoreal, which laws, so, as aforesaid, to be published, Our Pleasure is, and so We injoin, require, and command, shall be most absolute and available in law; and that all the liege people and subjects of Us, Our Heirs and Successors, do observe and keep the same inviolably, in those parts, so far as they concern them, under the pains therein expressed, or to be expressed; provided nevertheless, That the said laws be consonant to reason, and be not repugnant or contrary, but, as near as conveniently may be, agreeable to the laws, statutes, and rights of this Our kingdom of England.

And forasmuch as in the government of so great a province, sudden accidents do often happen, whereunto it will be necessary to apply a remedy, before the freeholders of the said province, or their delegates or deputies, can be assembled to the making of laws; neither will it be convenient, that instantly, upon every such emergent occasion, so great a multitude should be called together; therefore, for the better government of the said province, We will and ordain, and by these presents, for us, Our heirs and successors, do grant unto the said now Lord Baltimore, and his heirs, by themselves, or by their magistrates and officers, in that behalf duly to be ordained, as aforesaid, to make and constitute fit and wholesome ordinances, from time to time, within the said province, to be kept and observed as well for the preservation of the peace, as for the better government of the people there inhabiting, and publicly to notify the same, to all persons whom the same doth or may any way concern; which ordinances, Our Pleasure is, shall be observed inviolably, within the said Province, under the pains therein to be expressed; so as the said ordinances be consonant to reason, and be not repugnant nor contrary, but so far as conveniently may be, agreeable to the laws and statutes of the Kingdom of England; and so as the said ordinances be

be not extended in any sort, to bind, charge, or take away the right or interest of any person or persons, or of their life, members, freehold, goods or chattels.

Furthermore, that this new Colony may the more happily encrease by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of savages, or other enemies, pyrates and robbers: therefore We, for Us, Our Heirs and Successors, do give and grant, by these presents, power, licence, and liberty, unto all the liege people and subjects, both present and future, of Us, Our Heirs and Successors, (excepting those who shall be specially forbidden) to transport themselves and families unto the said province, with convenient shipping, and fitting provisions, and thereto settle themselves, dwell and inhabit, and to build and fortify castles, forts, and other places of strength, for the public, and their own private defence, at the appointment of the said now Lord Baltimore and his Heirs, the statute of fugitives, or any other whatsoever, the contrary of the premises, in any wise notwithstanding.

And We will also, and of Our more special grace, for Us, Our Heirs and Successors, We do strictly enjoin, constitute, ordain and command, That the said province shall be of Our allegiance, and that all and singular the subjects and liege people of Us, Our Heirs and Successors, transported or to be transported into the said province, and the children of them, and of such as shall descend from them, there already born, or hereafter to be born, be, and shall be denizens and lieges of Us, Our Heirs and Successors, of Our kingdoms of England and Ireland, and be in all things held, treated, reputed and esteemed, as the liege faithful people of Us, Our Heirs and Successors, born within Our kingdom of England; and likewise, any lands, tenements, revenues, services, and other hereditaments whatsoever, within Our kingdom of England, and other Our dominions, may inherit, or otherwise purchase, receive, take, have, hold, buy and possess, and them may occupy and enjoy, give, sell, alien and bequeath, as likewise all liberties, franchises and privileges, of this Our kingdom of England, freely, quietly and peaceably, have and possess, occupy and enjoy, as Our liege people, born, or to be born, within Our said kingdom of England, without the let, molestation, vexation, trouble or grievance of Us, Our Heirs and Successors; any statute, act, ordinance or provision to the contrary thereof notwithstanding.

And furthermore, that our subjects may be the rather encouraged to undertake this expedition with ready and cheerful minds, know ye, That We, of Our special grace, certain knowledge, and mere motion, do give and grant, by virtue of these presents, as well unto the said now Lord Baltimore, and his Heirs, as well to all others, who shall, from time to time, repair unto the said country with a purpose to inhabit there, or to trade with the natives of the said province, full licence to lade and freight in any ports whatsoever, of Us, Our Heirs and Successors, and into the said province of Maryland, by them, their servants or assigns, to transport all and singular their goods, wares, and merchandize, as likewise all sorts of grain whatsoever, and all other things whatso-

ever necessary for food or cloathing, not prohibited by the laws and statutes of Our kingdoms and dominions to be carried out of the said kingdoms, any statute, act, ordinance or other thing whatsoever to the contrary notwithstanding, without any lett or molestation of Us, Our Heirs and Successors, or of any the Heir of Us, Our Heirs and Successors; saving always to Us, Our Heirs and Successors, the legal impositions, customs, and other duties and payments for the said wares and merchandize, any statute, act, ordinance, or other thing whatsoever to the contrary notwithstanding.

And because in so remote a country, and situate near so many barbarous nations, the incursions as well of the Savages themselves, as of other enemies, pirates, and robbers, may probably be feared, therefore we have given, and for Us, Our Heirs and Successors, do give power by these presents unto the said now Lord Baltimore, his Heirs and Assigns, by themselves, or their Captains, or other their Officers, to levy, muster, and train all sorts of men, of what condition, or wheresoever born, in the said province of Maryland, for the time being, and to make war, and pursue the enemies and robbers aforesaid, as well by sea as by land, yea, even without the limits of the said province, and (by God's assistance) to vanquish and take them; and being taken, to put them to death, by the law of war, or to save them, at their pleasure; and to do all and every other thing which unto the charge and office of a Captain-General of an army belongeth, or hath accustomed to belong, as fully and freely as any Captain-General of an army hath ever had the same.

Also, Our Will and is, and by this Our Charter, We do give unto the said now Lord Baltimore, his Heirs and Assigns, full power, liberty and authority, in case of rebellion, tumult or sedition, if any should happen (which God forbid) either upon the land, within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence, by themselves, or their Captains, Deputies, or other Officers, to be authorized under their Seals for that purpose (to whom We also, for Us, Our Heirs and Successors, do give and grant by these presents, full power and authority) to exercise martial law against mutinous and seditious persons of those parts, such as shall refuse to submit themselves to his or their government, or shall refuse to serve in the wars, or shall fly to the enemy, or forsake their Ensigns, or be Loiterers or Straglers, or otherwise however offending against the law, custom and discipline military, as freely and in as ample manner and form as any Captain-General of an army, by virtue of his Office, might, or hath accustomed to use the same.

Furthermore, That the way to honours and dignities may not seem to be altogether precluded and shut up to men well-born, and such as shall prepare themselves unto this present plantation, and shall desire to deserve well of Us and Our kingdoms, both in peace and war, in so far distant and remote a country. Therefore We, for Us, Our Heirs and Successors, do give free and absolute power unto the said now Lord Baltimore, his Heirs and Assigns, to confer favours, rewards and honours, upon such inhabitants,

inhabitants, within the province aforesaid, as shall deserve the same, and to invest them with what titles and dignities soever as he shall think fit (so as they be not such as are now used in England,) as likewise to erect and incorporate towns into boroughs, and boroughs into cities, with convenient privileges and immunities, according to the merit of the inhabitants, and fitness of the places; and to do all and every other thing or things, touching the premises, which to him or them shall seem meet and requisite; albeit they be such as of their own nature might otherwise require a more special commandment and warrant than in these presents is expressed.

We will also, and by these presents, for Us, Our Heirs and Successors, do give and grant license, by this Our Charter, unto the said now Lord Baltimore, his Heirs and Assigns, and to all the inhabitants and dwellers in the said Province aforesaid both present and to come, to import unlade, by themselves or their servants, factors or assigns, all merchandizes and goods whatsoever, that shall arise of the fruits and commodities of the said Province, either by land or sea, into any of the ports of Us, Our Heirs and Successors, in Our kingdoms of England or Ireland, or otherwise to dispose of the said goods, in the said ports, and if need be, within one year next after the unlading of the same, to lade the said merchandizes and goods again, into the same or other ships, and to export the same into any other countries, either of our dominion or foreign, (being in amity with Us, Our Heirs and Successors.) Provided always, That they pay such customs, impositions, subsidies and duties for the same, to Us, Our Heirs and Successors, as the rest of Our subjects of Our kingdom of England, for the time being, shall be bound to pay; beyond which, We will not that the inhabitants of the aforesaid Province of Maryland shall be any way charged.

And furthermore, of our more ample and special grace, certain knowledge, and mere motion, We do, for Us, Our Heirs and Successors, grant unto the said now Lord Baltimore, his Heirs and Assigns, full and absolute power and authority to make, erect, and constitute, within the said Province of Maryland, and the isles and islets aforesaid, such and so many sea-ports, harbours, creeks, and other places, for discharging and unlading of goods and merchandizes out of the ships, boats and other vessels, and lading them in such and so many places, and with such rights, jurisdictions, and liberties, and privileges unto the said ports belonging, as to him or them shall seem most expedient; and that all and singular the ships, boats, and other vessels, which shall come for merchandize and trade into the said Province, or out of the same shall depart, shall be laden or unladen only at such ports as shall be erected and constituted by the said now Lord Baltimore, his Heirs or Assigns; any use, custom, or other things to the contrary notwithstanding: Saving always unto Us, Our Heirs and Successors, and to all the subjects (of Our Kingdoms of England and Ireland) of Us, Our Heirs and Successor, free liberty of fishing for sea fish, as well in the sea, bays, inlets, and navigable rivers, as in the harbours, bays, and creeks of the province aforesaid, and the privileges of salting and drying their fish on the shore of

the said province, and for the same cause, to cut and take under-wood or twigs there growing, and to build cottages and sheds necessary in this behalf, as they heretofore have, or might reasonably have used; which liberties and privileges, nevertheless, the subjects aforesaid of Us, Our Heirs and Successors, shall enjoy without any notable damage, or injury to be done, to the said now Lord Baltimore, his Heirs or Assigns, or to the dwellers and inhabitants of the said province, in the ports, creeks, and shores aforesaid, and especially in the woods and copses growing within the said province. And if any shall do any such damage or injury, he shall incur the heavy displeasure of Us, Our Heirs and Successors, the punishment of the laws, and shall moreover make satisfaction.

We do furthermore will, appoint and ordain, and by these presents, for Us, Our Heirs and Successors, We do grant unto the said now Lord Baltimore, his Heirs and Assigns, that he the said Lord Baltimore, his Heirs and Assigns, may from time to time, for ever, have and enjoy the customs and subsidies in the ports, harbours, and other creeks and places aforesaid, within the province aforesaid, payable or due for merchandizes and wares there to be laded and unladed; the said customs and subsidies to be reasonably assessed (upon any occasion) by themselves and the people there, as aforesaid, to whom we give power, by these presents, for Us, Our Heirs and Successors, upon just cause, and in a due proportion, to assess and impose the same.

And further, of Our special grace, and of Our certain knowledge, and mere motion, We have given and granted; and by these presents, for Us, Our Heirs and Successors, do give and grant, unto the said now Lord Baltimore, his Heirs and Assigns, full and absolute power, licence, and authority, that he the said now Lord Baltimore, his Heirs and Assigns, from time to time hereafter, for ever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeoffe of the premises, so many and such part or parcels to him or them that shall be willing to purchase the same, as they shall think fit; to have and to hold to them the said person or persons willing to take or purchase the same, their Heirs and Assigns, in fee simple, or in fee tail, or for the term of life or lives, or years, to be held of the said now Lord Baltimore, his Heirs and Assigns, by such services, customs, and rents, as shall seem fit to the said now Lord Baltimore, his Heirs and Assigns, and not immediately of Us, Our Heirs or Successors: And to the same person or persons, and to all and every of them, We do give and grant, by these presents, for Us, Our Heirs and Successors, licence, authority and power, that such person or persons may take the premises, or any parcel thereof, of the said now Lord Baltimore, his Heirs or Assigns, and the same hold to themselves, their Heirs or Assigns, (in what estate of inheritance soever, in fee simple, or in fee tail, or otherwise, as to them and the now Lord Baltimore, his Heirs and Assigns, shall seem expedient;) the statute made in the Parliament of Edward, son of King Henry, late King of England, Our predecessor, commonly called the statute "Quia Emptores terrarum," lately published in Our kingdom, England, or any other statute, act, ordinance, use, law or custom, or any other thing, cause or matter thereupon

thereupon heretofore had, done, published, ordained or provided to the contrary, in any wise notwithstanding.

And by these presents We give and grant licence unto the said now Lord Baltimore and his Heirs, to erect any parcels of land within the province aforesaid into Manors, in every the said Manors to have and to hold a Court of Baron, with all things whatsoever which to a Court Baron do belong, and to have and to hold view of frank pledge (for the conservation of the peace, and the better government of those parts) by themselves or their Stewards, or by the Lords, for the time being, of other Manors to be deputed, when they shall be erected, and in the same to use all things belonging to view of frankpledge.

And further Our pleasure is, and by these presents, for Us, Our Heirs and Successors, We do covenant and grant to, and with the said now Lord Baltimore, and his heirs and assigns, that We, Our heirs and successors, shall at no time hereafter set or make, or cause to set any imposition, custom, or other taxation, rate, or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid province, for their lands, tenements, goods, or chattels within the said province, or in or upon any goods or merchandize within the said province, or to be laden or unladen within the ports or harbours of the said province. And Our pleasure is, and for Us, Our heirs and successors, We charge and command, that this Our declaration shall be henceforward, from time to time, be received and allowed in all Our courts, and before all the judges of Us, Our heirs and successors, for a sufficient and lawful discharge, payment and acquittance; commanding all and singular Our officers and ministers of Us, Our heirs and successors, and enjoining them upon pain of Our high displeasure, that they do not presume, at any time, to attempt any thing to the contrary of the premises, or that they do in any sort withstand the same; but that they be at all times aiding and assisting, as fitting, unto the said now Lord Baltimore, and his heirs, and to the inhabitants and merchants of Maryland aforesaid, their servants, ministers,

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factors, and assigns, in the full use and fruition of the benefit of this Our charter.

And further, Our pleasure is, and by these presents, for Us, Our Heirs and Successors, We do grant unto the said now Lord Baltimore, his Heirs and Assigns, and to the tenants and inhabitants of the said province of Maryland, both present and to come, and to every of them, that the said province, tenants, and inhabitants of the said Colony or country, shall not from henceforth be held or reputed as a member, or as part of the land of Virginia, or of any other colony whatsoever, now transported or hereafter to be transported; nor shall be depending on, or subject to their government in any thing, from whom We do separate that and them. And Our pleasure is, by these presents, that they be separated, and that they be subject immediately to Our crown of England, as depending thereof for ever.

And if perchance hereafter it should happen, any doubts or questions should arise concerning the true sense and understanding of any word, clause, or sentence contained in this Our present charter, We Will, Ordain and Command, that at all times, and in all things, such interpretation be made thereof and allowed, in any of Our courts whatsoever, as shall be adjudged most advantageous and favourable unto the said now Lord Baltimore, his heirs and assigns; provided always, that no interpretation be admitted thereof, by which God's holy and truly Christian Religion, or the allegiance due unto Us, Our heirs and successors, may suffer any prejudice or diminution; although express mention be not made in these presents of the true yearly value of certainty of the premises, or of any part thereof, or of other gifts and grants made by Us, Our progenitors or predecessors, unto the said now Lord Baltimore, or any statute, act, ordinance, provision, proclamation, or restraint heretofore had, made, published, ordained, or provided, or any other thing, cause, or matter whatsoever, to the contrary thereof, in any wise notwithstanding. In witness, &c. witness Ourselves at Westminster, the twenty-eight day of June, A. D. 1632. in the Eighth year of our reign.

By Writ of Privy Seal.

